

SUBCHAPTER B—INMATE ADMISSION, CLASSIFICATION, AND TRANSFER

PART 522—ADMISSION TO INSTITUTION

Subpart A [Reserved]

Subpart B—Civil Contempt of Court Commitments

Sec.

522.10 Purpose.

522.11 Civil contempt commitments.

522.12 Relationship between existing criminal sentences imposed under the U.S. or D.C. Code and new civil contempt commitment orders.

522.13 Relationship between existing civil contempt commitment orders and new criminal sentences imposed under the U.S. or D.C. Code.

522.14 Inmates serving civil contempt commitments.

522.15 No good time credits for inmates serving only civil contempt commitments.

Subpart C—Intake Screening

522.20 Purpose and scope.

522.21 Procedures.

Subpart D—Unescorted Transfers and Voluntary Surrenders

522.30 Purpose and scope.

Subpart E [Reserved]

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 3568 (Repealed November 1, 1987 as to offenses committed on or after that date), 3585, 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to conduct occurring on or after November 1, 1987), 4161–4166, (repealed October 12, 1984, as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; D.C. Code §24–101(b).

SOURCE: 44 FR 38244, June 29, 1979, unless otherwise noted.

Subpart A [Reserved]

Subpart B—Civil Contempt of Court Commitments

SOURCE: 70 FR 67092, Nov. 4, 2005, unless otherwise noted.

§ 522.10 Purpose.

(a) This subpart describes the procedures for federal civil contempt of court commitments (civil contempt commitments) referred to the Bureau of Prisons (Bureau). These cases are not commitments to the custody of the Attorney General for service of terms of imprisonment following criminal convictions.

(b) We cooperate with the federal courts to implement civil contempt commitments by making our facilities and resources available. When we receive notification from the federal court that the reason for the civil contempt commitment has ended or that the inmate is to be released for any other reason, we will terminate the inmate's civil contempt commitment.

§ 522.11 Civil contempt commitments.

Inmates can come into Bureau custody for civil contempt commitments in two ways:

(a) The U.S. Marshals Service may request a designation from the Bureau for a civil contempt commitment if local jails are not suitable due to medical, security or other reasons; or

(b) The committing court may specify a Bureau institution as the place of incarceration in its contempt order. We will designate the facility specified in the court order unless there is a reason for not placing the inmate in that facility.

§ 522.12 Relationship between existing criminal sentences imposed under the U.S. or D.C. Code and new civil contempt commitment orders.

If a criminal sentence imposed under the U.S. Code or D.C. Code exists when a civil contempt commitment is ordered, we delay or suspend credit towards service of the criminal sentence for the duration of the civil contempt commitment, unless the committing judge orders otherwise.

§ 522.13 Relationship between existing civil contempt commitment orders and new criminal sentences imposed under the U.S. or D.C. Code.

(a) Except as stated in (b), if a civil contempt commitment order is in effect when a criminal sentence of imprisonment is imposed under the U.S. or D.C. Code, the criminal sentence runs consecutively to the commitment order, unless the sentencing judge orders otherwise.

(b) *For federal criminal sentences imposed for offenses committed before November 1, 1987, under 18 U.S.C. Chapter 227:* If a civil contempt commitment order is in effect when a criminal sentence of imprisonment is imposed, the criminal sentence runs concurrent with the commitment order, unless the sentencing judge orders otherwise.

§ 522.14 Inmates serving civil contempt commitments.

We treat inmates serving civil contempt commitments in Bureau institutions the same as pretrial inmates. If an inmate is serving a civil contempt commitment and a concurrent criminal sentence, we treat the inmate the same as a person serving a criminal sentence.

§ 522.15 No good time credits for inmates serving only civil contempt commitments.

While serving only the civil contempt commitment, an inmate is not entitled to good time sentence credit.

Subpart C—Intake Screening

§ 522.20 Purpose and scope.

Bureau of Prisons staff screen newly arrived inmates to ensure that Bureau health, safety, and security standards are met.

[45 FR 44229, June 30, 1980]

§ 522.21 Procedures.

(a) Except for such camps and other satellite facilities where segregating a newly arrived inmate in detention is not feasible, the Warden shall ensure that a newly arrived inmate is cleared by the Medical Department and provided a social interview by staff before assignment to the general population.

(1) Immediately upon an inmate's arrival, staff shall interview the inmate to determine if there are non-medical reasons for housing the inmate away from the general population. Staff shall evaluate both the general physical appearance and emotional condition of the inmate.

(2) Within 24 hours after an inmate's arrival, medical staff shall medically screen the inmate in compliance with Bureau of Prisons' medical procedures to determine if there are medical reasons for housing the inmate away from the general population or for restricting temporary work assignments.

(3) Staff shall place recorded results of the intake medical screening and the social interview in the inmate's central file.

[45 FR 44229, June 30, 1980]

Subpart D—Unescorted Transfers and Voluntary Surrenders

§ 522.30 Purpose and scope.

When the court orders or recommends an unescorted commitment to a Bureau of Prisons institution, the Bureau of Prisons authorizes the commitment and designates the institution for service of sentence. The Bureau of Prisons also authorizes furlough transfers of inmates between Bureau of Prisons institutions or to nonfederal institutions in appropriate circumstances in accordance with 18 U.S.C. 3622 or 4082, and within the guidelines of the Bureau of Prisons policy on furloughs, which allows inmates to travel unescorted and to report voluntarily to an assigned institution.

[61 FR 64953, Dec. 9, 1996]

Subpart E [Reserved]

PART 523—COMPUTATION OF SENTENCE

Subpart A—Good Time

Sec.

523.1 Definitions.

523.2 Good time credit for violators.

Subpart B—Extra Good Time

523.10 Purpose and scope.

523.11 Meritorious good time.

§ 523.1

- 523.12 Work/study release good time.
- 523.13 Community corrections center good time.
- 523.14 Industrial good time.
- 523.15 Camp or farm good time.
- 523.16 Lump sum awards.
- 523.17 Procedures.

Subpart C—Good Conduct Time

- 523.20 Good conduct time.

Subpart D—District of Columbia Educational Good Time Credit

- 523.30 What is educational good time sentence credit?
- 523.31 Who is eligible for DCEGT?
- 523.32 How much DCEGT can I earn?
- 523.33 How is eligibility for DCEGT limited?
- 523.34 How can I challenge DCEGT award decisions?

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 3568 (repealed November 1, 1987 as to offenses committed on or after that date), 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to conduct occurring on or after November 1, 1987), 4161-4166 (repealed October 12, 1984 as to offenses committed on or after November 1, 1987), 5006-5024 (Repealed October 12, 1984 as to conduct occurring after that date), 5039; 28 U.S.C. 509, 510.

SOURCE: 54 FR 32028, Aug. 3, 1989, unless otherwise noted.

Subpart A—Good Time**§ 523.1 Definitions.**

(a) *Statutory good time* means a credit to a sentence as authorized by 18 U.S.C. 4161. The total amount of statutory good time which an inmate is entitled to have deducted on any given sentence, or aggregate of sentences, is calculated and credited in advance, when the sentence is computed.

(b) *Extra good time* means a credit to a sentence as authorized by 18 U.S.C. 4162 for performing exceptionally meritorious service or for performing duties of outstanding importance in an institution or for employment in a Federal Prison Industry or Camp. “Extra Good Time” thus includes Meritorious Good Time, Work/Study Release Good Time, Community Corrections Center Good Time, Industrial Good Time, Camp or Farm Good Time, and Lump Sum Awards. Extra good time and seniority are inseparable with the exception of lump sum awards for which no seniority is earned.

(c) *Seniority* refers to the time accrued in an extra good time earning status. Twelve months of “seniority” automatically cause the earning rate to increase from three days per month to five days per month and seniority is then vested.

(d) *Earning status* refers to the status of an inmate who is in an assignment or employment which accrues extra good time.

§ 523.2 Good time credit for violators.

(a) An inmate conditionally released from imprisonment either by parole or mandatory release can earn statutory good time, upon being returned to custody for violation of supervised release, based on the number of days remaining to be served on the sentence. The rate of statutory good time for the violator term is computed at the rate of the total sentence from which released.

(b) An inmate whose special parole term is revoked can earn statutory good time based on the number of days remaining to be served on the special parole violator term. The rate of statutory good time for the violator term is computed at the rate of the initial special parole term plus the total sentence that was served prior to the special parole term and to which the special parole term was attached.

(c) Once an inmate is conditionally released from imprisonment, either by parole, including special parole, or mandatory release, the good time earned (extra or statutory) during that period of imprisonment is of no further effect either to shorten the period of supervision or to shorten the period of imprisonment which the inmate may be required to serve for violation of parole or mandatory release.

Subpart B—Extra Good Time**§ 523.10 Purpose and scope.**

(a) The Bureau of Prisons awards extra good time credit for performing exceptionally meritorious service, or for performing duties of outstanding importance or for employment in an industry or camp. An inmate may earn only one type of extra good time award at a time (e.g., an inmate earning industrial or camp good time is not eligible for meritorious good time), except

that a lump sum award as provided in § 523.16 may be given in addition to another extra good time award. The Warden or the Discipline Hearing Officer may not forfeit or withhold extra good time. The Warden may disallow or terminate the awarding of any type of extra good time (except lump sum awards), but only in a nondisciplinary context and only upon recommendation of staff. The Discipline Hearing Officer may disallow or terminate the awarding of any type of extra good time (except lump sum awards), as a disciplinary sanction. Once an awarding of meritorious good time has been terminated, the Warden must approve a new staff recommendation in order for the award to recommence. A "disallowance" means that an inmate does not receive an extra good time award for only one calendar month. Unless other action is taken, the award resumes the following calendar month. A "disallowance" must be for the entire amount of extra good time for that calendar month. There may be no partial disallowance. A decision to disallow or terminate extra good time may not be suspended pending future consideration. A retroactive award of meritorious good time may not include a month in which extra good time has been disallowed or terminated.

(b) The provisions of this rule do not apply to inmates sentenced under the Sentencing Reform Act provisions of the Comprehensive Crime Control Act of 1984. This means that inmates sentenced under the Sentencing Reform Act provisions for offenses committed on or after November 1, 1987 are not eligible for either statutory or extra good time, but may be considered for a maximum of 54 days of good conduct time credit per year (see 18 U.S.C. 3624(b)).

§ 523.11 Meritorious good time.

(a) Staff are responsible for recommending meritorious good time based upon work performance. Each recommendation must include a justification which clearly shows that the work being performed is of an exceptionally meritorious nature or is of outstanding importance in connection with institutional operations. Work performance and the importance of the work per-

formed are the only criteria for awarding meritorious good time.

(b) A retroactive award of meritorious good time is ordinarily limited to three months, excluding the month in which the recommendation is made. A retroactive award in excess of three months requires the approval of the Warden or designee (may not be delegated below the level of Associate Warden). Staff are to include with any recommendation for an inmate to receive a retroactive award of meritorious good time, a written statement confirming the inmate's eligibility for the retroactive award.

(c) Meritorious good time continues uninterrupted regardless of work assignment changes unless the Warden or the Discipline Hearing Officer takes specific action to terminate or disallow the award.

§ 523.12 Work/study release good time.

Extra good time for an inmate in work or study release programs is awarded automatically, beginning on the date the inmate is assigned to the program and continuing without further approval as long as the inmate is participating in the program, unless the award is disallowed.

§ 523.13 Community corrections center good time.

Extra good time for an inmate in a Federal or contract Community Corrections Center is awarded automatically, beginning on arrival at the facility and continuing as long as the inmate is confined at the Center, unless the award is disallowed.

§ 523.14 Industrial good time.

Extra good time for an inmate employed in Federal Prison Industries, Inc., is automatically awarded, beginning on the first day of such employment, and continuing as long as the inmate is employed by Federal Prison Industries, unless the award is disallowed. An inmate on a waiting list for employment in Federal Prison Industries is not awarded industrial good time until actually employed.

§ 523.15 Camp or farm good time.

An inmate assigned to a farm or camp is automatically awarded extra

good time, beginning on the date of commitment to the camp or farm, and continuing as long as the inmate is assigned to the farm or camp, unless the award is disallowed.

§ 523.16 Lump sum awards.

Any staff member may recommend to the Warden the approval of an inmate for a lump sum award of extra good time. Such recommendations must be for an exceptional act or service that is not part of a regularly assigned duty. The Warden may make lump sum awards of extra good time not to exceed thirty days. If the recommendation is for an award in excess of thirty days and the Warden concurs, the Warden shall refer the recommendation to the Regional Director who may approve the award. No award may be approved which would exceed the maximum number of days allowed under 18 U.S.C. 4162. The actual length of time served on the sentence, to the date that the exceptional act or service terminated, is the basis on which the maximum amount possible to award is calculated. No seniority is accrued for such awards. Staff may recommend lump sum awards of extra good time for the following reasons:

- (a) An act of heroism;
- (b) Voluntary acceptance and satisfactory performance of an unusually hazardous assignment;
- (c) An act which protects the lives of staff or inmates or the property of the United States; this is to be an act and not merely the providing of information in custodial or security matters;
- (d) A suggestion which results in substantial improvement of a program or operation, or which results in significant savings; or
- (e) Any other exceptional or outstanding service.

§ 523.17 Procedures.

(a) Extra good time is awarded at a rate of three days per month during the first twelve months of seniority in an earning status and at the rate of five days per month thereafter. The first twelve months of seniority need not be based on a continuous period of twelve months. If the beginning or termination date of an extra good time

award occurs after the first day of a month, a partial award of days is made.

(b) An inmate may be awarded extra good time even though some or all of the inmate's statutory good time has been forfeited or withheld.

(c) Parole and mandatory release violators may earn extra good time the same as other inmates. Once an inmate is conditionally released from imprisonment, either by parole, including special parole, or mandatory release, the good time earned during that period of imprisonment is of no further effect either to shorten the period of supervision or to shorten the period of imprisonment which the inmate may be required to serve for violation of parole or mandatory release.

(d) Staff working in the community have the same extra good time authority as the Warden when approving the award of good time for an inmate confined in a non-federal facility and may approve meritorious good time or lump sum awards in accordance with this rule upon recommendations made by a responsible person employed by the non-federal facility. The appropriate staff in the Regional Office may review all such awards if the Regional Director requires the review.

(e) An inmate who is transferred remains in the earning status at time of transfer, unless the reason for transfer would otherwise have caused removal from an earning status, and provided the inmate's behavior is such while in transit that it does not justify removal. Where the receiving institution is a camp, farm, or community corrections center, the extra good time continues automatically upon the inmate's arrival. Where the receiving institution is other than a camp, farm, or community corrections center, the extra good time is terminated upon arrival, and staff at the receiving institution shall review each case to determine if the inmate should continue in meritorious good time earning status if not immediately employed in Federal Prison Industries or assigned to a work/study release program. If the inmate then is not continued in meritorious good time earning status, later awards must comply with procedures outlined in § 523.11.

(f) An inmate serving a life sentence may earn extra good time even though there is no mandatory release date from which to deduct the credit since the possibility exists that the sentence may be reduced or commuted to a definite term.

(g) Extra good time is not automatically discontinued while an inmate is hospitalized, on furlough, out of the institution on a writ of habeas corpus, or removed under the Interstate Agreement on Detainers. Extra good time may be terminated or disallowed during such absences if the Warden or the Discipline Hearing Officer finds that the inmate's behavior warrants such action.

(h) Extra good time earned by an inmate in a District of Columbia Department of Corrections facility is treated the same as if earned in a Bureau of Prisons institution, upon transfer to a Bureau institution.

(i) An inmate committed under the provisions of 18 U.S.C. 3651 (split sentence) may earn extra good time credits provided the sentence imposed is not under the provisions of 18 U.S.C. 5010 (b) or (c) (YCA). All extra good time and seniority earned is carried over to any subsequent probation violator sentence based on the original split sentence.

(j) An inmate committed under the provisions of 18 U.S.C. 4205(c) may earn extra good time credits towards the final sentence that may be imposed. Such extra good time credits do not reduce the three months allowed for study. An inmate committed under the provisions of 18 U.S.C. 4244, as amended effective October 12, 1984, may earn extra good time credits toward the final sentence that may be imposed. Such extra good time credits do not reduce the provisional sentence. Extra good time may continue during a commitment for examination of hospitalization and treatment under 18 U.S.C. 4245, as amended effective October 12, 1984.

(k) Inmates committed under the provisions of 18 U.S.C. 4244, 4246-47, 4252, 5010 (b), (c), (e), or 5037(c) as these sections were in effect prior to October 12, 1984, are not entitled to extra good time deductions. Inmates committed under the provisions of 18 U.S.C. 4241,

4242, 4243, or 4246 as these sections were amended effective October 12, 1984, are not entitled to extra good time deductions.

(l) A pretrial detainee may not earn good time while in pretrial status. A pretrial detainee, however, may be recommended for good time credit. This recommendation shall be considered in the event that the pretrial detainee is later sentenced on the crime for which he or she was in pretrial status.

(m) An inmate committed for civil contempt is not entitled to extra good time deductions while serving the civil contempt sentence.

(n) A military or Coast Guard inmate may earn extra good time. Extra good time earned in Federal Prison Industries in a military or Coast Guard installation is treated the same as if earned in Federal Prison Industries in the Bureau of Prisons. Other forms of military or Coast Guard extra good time, such as Army Abatement time, are fully credited, but no seniority is allowed.

(o) American citizens who are serving sentences in foreign countries and who are subsequently returned to this country under the provisions of 18 U.S.C. chapter 306 (Pub. L. 95-144) may have earned work, labor, or program time credits in the foreign country similar to extra good time earned under 18 U.S.C. 4162. Such foreign "extra good time" credits shall be treated as if awarded under § 523.16, Lump Sum Awards, with any future lump sum award consideration in this country calculated on the basis of time served in custody of the Bureau of Prisons. After return to this country an inmate may earn extra good time at the three-day rate and advance to the five-day rate after one year of seniority is accrued. No seniority is accrued for foreign "extra good time" credits.

(p) An inmate in extra good time earning status may not waive or refuse extra good time credits.

(q) Once extra good time is awarded, it becomes vested and may not be forfeited or withheld, or retroactively terminated or disallowed.

Subpart C—Good Conduct Time

§ 523.20 Good conduct time.

(a) For inmates serving a sentence for offenses committed on or after November 1, 1987, but before September 13, 1994, the Bureau will award 54 days credit toward service of sentence (good conduct time credit) for each year served. This amount is prorated when the time served by the inmate for the sentence during the year is less than a full year.

(b) For inmates serving a sentence for offenses committed on or after September 13, 1994, but before April 26, 1996, all yearly awards of good conduct time will vest for inmates who have earned, or are making satisfactory progress (see § 544.73(b) of this chapter) toward earning a General Educational Development (GED) credential.

(c) For inmates serving a sentence for an offense committed on or after April 26, 1996, the Bureau will award

(1) 54 days credit for each year served (prorated when the time served by the inmate for the sentence during the year is less than a full year) if the inmate has earned or is making satisfactory progress toward earning a GED credential or high school diploma; or

(2) 42 days credit for each year served (prorated when the time served by the inmate for the sentence during the year is less than a full year) if the inmate has not earned or is not making satisfactory progress toward earning a GED credential or high school diploma.

(d) Notwithstanding the requirements of paragraphs (b) and (c) of this section, an alien who is subject to a final order of removal, deportation, or exclusion is eligible for, but is not required to, participate in a literacy program, or to be making satisfactory progress toward earning a General Educational Development (GED) credential, to be eligible for a yearly award of good conduct time.

(e) The amount of good conduct time awarded for the year is also subject to disciplinary disallowance (see tables 3 through 6 in § 541.13 of this chapter).

[70 FR 66754, Nov. 3, 2005]

Subpart D—District of Columbia Educational Good Time Credit

SOURCE: 67 FR 48386, July 24, 2002, unless otherwise noted.

§ 523.30 What is educational good time sentence credit?

Educational good time sentence credit is authorized by District of Columbia (D.C.) Code § 24-221.01, and reduces the amount of time to serve under a term of imprisonment. In these rules, we refer to D.C. educational good time as “DCEGT.”

§ 523.31 Who is eligible for DCEGT?

You are eligible for DCEGT if:

(a) You are incarcerated in a Bureau of Prisons’ (Bureau) institution or a Bureau contract facility;

(b) You are serving a term of imprisonment for a D.C. criminal code violation committed before August 5, 2000;

(c) Your Unit Team approved or designed a plan for you to complete a program designated by the Bureau as eligible for DCEGT;

(d) The Supervisor of Education (SOE) finds that you successfully completed a Bureau-designated education program on or after August 5, 1997; and

(e) You did not violate prison discipline rules while enrolled in the program (see § 523.33).

§ 523.32 How much DCEGT can I earn?

(a) You can earn 5 days DCEGT for each month you were enrolled in a designated program, up to the maximum amount designated by the Bureau for the type of program successfully completed.

(b) You are limited to 5 days per month DCEGT, even if enrolled in more than one designated program.

(c) Enrollment in a designated program for any portion of a calendar month earns one full month’s worth of DCEGT.

(d) You are not eligible for DCEGT which, if awarded, would make you past due for release.

(e) Once appropriately awarded, DCEGT vests, and cannot be forfeited.

Bureau of Prisons, Justice

§ 524.11

§ 523.33 How is eligibility for DCEGT limited?

Eligibility for DCEGT is limited in two ways:

(a) If you violate prison rules, you are not eligible for one month's worth of DCEGT for each disciplinary incident committed during the program enrollment period. A Discipline Hearing Officer, or other staff using procedures similar to those in 28 CFR 541.17, must determine that you committed a prohibited act.

(b) The nature of your offense may limit your eligibility for DCEGT under D.C. Code 24-221.01b or 24-221.06.

§ 523.34 How can I challenge DCEGT award decisions?

You can use the Administrative Remedy Program, 28 CFR 542.10 through 542.19, to challenge Bureau of Prisons decisions regarding DCEGT.

PART 524—CLASSIFICATION OF INMATES

Subpart A [Reserved]

Subpart B—Classification and Program Review of Inmates

Sec.

524.10 Purpose.

524.11 Process for classification and program reviews.

Subpart C—Youth Corrections Act (YCA) Programs

524.20 Purpose and scope.

524.21 Definitions.

524.22 YCA program.

524.23 Program reviews.

524.24 Parole hearings.

524.25 U.S. Parole Commission.

Subpart D [Reserved]

Subpart E—Progress Reports

524.40 Purpose and scope.

524.41 Types of progress reports.

524.42 Content of progress reports.

524.43 Inmate's access to progress reports.

Subpart F—Central Inmate Monitoring (CIM) System

524.70 Purpose and scope.

524.71 Responsibility.

524.72 CIM assignment categories.

524.73 Classification procedures.

524.74 Activities clearance.

524.75 Periodic review.

524.76 Appeals of CIM classification.

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 3521-3528, 3621, 3622, 3624, 4001, 4042, 4046, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006-5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 21 U.S.C. 848; 28 U.S.C. 509, 510.

Subpart A [Reserved]

Subpart B—Classification and Program Review of Inmates

SOURCE: 71 FR 36007, June 23, 2006, unless otherwise noted.

§ 524.10 Purpose.

The purpose of this subpart is to explain the Bureau of Prisons (Bureau) process for classifying newly committed inmates and conducting program reviews for all inmates except:

(a) Pretrial inmates, covered in 28 CFR part 551; and

(b) Inmates committed for study and observation.

§ 524.11 Process for classification and program reviews.

(a) *When:*

(1) Newly committed inmates will be classified within 28 calendar days of arrival at the institution designated for service of sentence.

(2) Inmates will receive a program review at least once every 180 calendar days. When an inmate is within twelve months of the projected release date, staff will conduct a program review at least once every 90 calendar days.

(b) *Inmate appearance before classification team:*

(1) Inmates will be notified at least 48 hours before that inmate's scheduled appearance before the classification team (whether for the initial classification or later program reviews).

(2) Inmates may submit a written waiver of the 48-hour notice requirement.

(3) The inmate is expected to attend the initial classification and all later program reviews. If the inmate refuses to appear at a scheduled meeting, staff must document on the Program Review Report the inmate's refusal and, if

§ 524.20

known, the reasons for refusal, and give a copy of this report to the inmate.

(c) *Program Review Report*: Staff must complete a Program Review Report at the inmate's initial classification. This report ordinarily includes information on the inmate's apparent needs and offers a correctional program designed to meet those needs. The Unit Manager and the inmate must sign the Program Review Report, and a copy must be given to the inmate.

(d) *Work Programs*: Each sentenced inmate who is physically and mentally able is assigned to a work program at initial classification. The inmate must participate in this work assignment and any other program required by Bureau policy, court order, or statute. The inmate may choose not to participate in other voluntary programs.

Subpart C—Youth Corrections Act (YCA) Programs

SOURCE: 58 FR 50808, Sept. 28, 1993, unless otherwise noted.

§ 524.20 Purpose and scope.

This subpart establishes procedures for designation, classification, parole, and release of Youth Corrections Act (YCA) inmates. In keeping with court findings, and in accord with the repeal of 18 U.S.C. chapter 402, sections 5011 and 5015(b), all offenders sentenced under the provisions of the YCA presently in custody, those retaken into custody as parole violators, and those yet to be committed (probation violators, appeal bond cases, etc.) may be transferred to or placed in adult institutions under the provisions of this policy.

§ 524.21 Definitions.

(a) *YCA inmate*: An inmate sentenced under provision of the Youth Corrections Act who has not received an in-person “no further benefit” finding by his or her sentencing judge, and whose YCA sentence has not been completely absorbed by an adult federal sentence.

(b) *No further benefit*: An in-person finding by the inmate's sentencing court that YCA treatment will not be of further benefit to the inmate. An inmate receiving such court finding is

28 CFR Ch. V (7–1–09 Edition)

accordingly not considered to be a YCA inmate.

§ 524.22 YCA program.

(a) Wardens are to ensure each committed youth offender is scheduled for a three-phase program plan which will include a classification phase, a treatment phase, and a pre-release phase. A program plan for each YCA inmate will be developed by the Unit Team as a part of the classification phase. The Warden may exempt a YCA inmate from program participation when individual circumstances warrant such exceptions. Such exceptions must be requested and acknowledged by the inmate, and the reason(s) for exemption must be documented in the inmate's central file.

(1) *Classification phase*: The classification phase begins upon the inmate's arrival at the designated institution. It consists of evaluation, orientation, unit assignment, and concludes when the inmate has attended the initial classification (or transfer classification) meeting with the Unit Team. YCA inmates are to participate in the classification process prior to the development of their individual program plans. The YCA inmate is to have received a psychological screening prior to attending the initial classification meeting. YCA program plans will include specific goals relative to:

- (i) Behavior;
- (ii) Treatment/self improvement;
- (iii) Pre-release.

(2) *Treatment phase*: YCA inmates are to be exposed to unit-based and community-based (if otherwise eligible) programs. Each YCA inmate shall be periodically reviewed during this phase. The treatment phase begins when the inmate attends the programs and activities described in the program plan which were established at the culmination of the classification phase. Each YCA inmate shall be assigned programs in accordance with the inmate's needs and the established program plan. The “program day” shall consist of morning, afternoon, and evening time periods, during which the inmate shall be scheduled for treatment programs, work, and leisure-time activities. The inmate shall be expected to comply with the program

plan. The inmate's participation in a treatment program is required, not optional. An inmate's failure to participate may result in disciplinary action.

(3) *Pre-release phase:* The YCA inmate shall enter the pre-release phase approximately 9 months prior to release. The pre-release phase is ordinarily divided into two segments: participation in the institution pre-release program and a stay at a Community Corrections Center (CCC), if otherwise eligible. Institution pre-release programs shall focus on the types of problems the inmate may face upon return to the community, such as re-establishing family relationships, managing a household, finding and keeping a job, and developing a successful life style. In addition, the pre-release phase may include visits from prospective employers.

(b) Staff shall establish incentives to motivate YCA inmates and to encourage program completion. Examples of such incentives which may be used are special recognition, awards, and "vacation days".

(c) The program plan, and the YCA inmate's participation in fulfilling goals contained within the plan, are fundamental factors considered by the U.S. Parole Commission in determining when a YCA inmate should be paroled. Given the importance and joint use of the YCA programming process, the current program plan and a summary of the inmate's progress in meeting established treatment goals must be made available for review and discussion by the Commission at each parole hearing. In addition, a staff member familiar with the YCA inmate's case should be present at any parole hearing to clarify any questions concerning the plan or the inmate's progress in completing the plan.

(d) Upon full and satisfactory completion of the program plan, the Warden will notify the U.S. Parole Commission and make a specific recommendation for release.

§ 524.23 Program reviews.

Staff shall conduct periodic reviews of the inmate's program plan and shall modify the plan in accordance with the level of progress shown. Each YCA inmate shall be afforded a review at least once each 90 days, and shall have a for-

mal progress report prepared every year summarizing the inmate's level of achievement. If the inmate's program plan needs to be modified in light of the progress made, or the lack thereof, appropriate changes will be made and a revised program plan will be developed and documented. Staff shall ordinarily notify the inmate of the 90-day review at least 48 hours prior to the inmate's scheduled appearance before the Unit Team. An inmate may waive in writing the requirement of 48 hours notice.

§ 524.24 Parole hearings.

All YCA inmates have been extended the parole procedures present in *Watts* vs. *Hadden*. YCA inmates shall be scheduled for interim hearings on the following schedules:

(a) For those inmates serving YCA sentences of less than 7 years, an in-person hearing will be scheduled every 9 months.

(b) For those inmates serving YCA sentences of 7 years or more, an in-person hearing will be scheduled every 12 months.

(c) Upon notification of a response to treatment/certified completion of a program plan by the Bureau of Prisons, the Parole Commission will schedule the inmate for an in-person hearing on the next available docket, unless the inmate is paroled on the record. If a hearing is held and the inmate is denied parole, the next hearing shall be scheduled in accordance with the schedule outlined in paragraphs (a) and (b) of this section.

(d) The hearings mentioned in paragraphs (a) and (b) of this section are not required for inmates who have been continued to expiration or mandatory parole who have less than one year remaining to serve or to a CCC placement date.

§ 524.25 U.S. Parole Commission.

The U.S. Parole Commission is the releasing authority for all YCA inmates except for full term and conditional releases. The Commission shall be provided a progress report:

(a) Upon request of the Commission,

(b) Prior to any interim hearing or pre-release record review, or

(c) Upon determination by the inmate's Unit Team, with concurrence by

§ 524.40

the Warden, that the inmate has completed his or her program plan.

Subpart D [Reserved]

Subpart E—Progress Reports

SOURCE: 55 FR 49977, Dec. 3, 1990, unless otherwise noted.

§ 524.40 Purpose and scope.

The Bureau of Prisons maintains current information on each inmate through progress reports completed by staff. The progress report summarizes information relating to the inmate's adjustment during confinement, program participation, and readiness for release.

§ 524.41 Types of progress reports.

The Bureau of Prisons prepares the following types of progress reports.

(a) Initial Hearing—prepared for an inmate's initial parole hearing when progress has not been summarized within the previous 180 days.

(b) Statutory Interim/Two-Thirds Review—prepared for a parole hearing conducted 18 or 24 months following a hearing at which no effective parole date was established, or for a two-thirds review (see 28 CFR 2.53) unless the inmate has waived the parole hearing.

(c) Pre-Release—

(1) Record Review—prepared for and mailed to the appropriate Parole Commission office at least eight months prior to the inmate's presumptive parole date.

(2) Final—prepared at least 90 days prior to the release of an offender to a term of supervision.

(d) Transfer Report—prepared on an inmate recommended and/or approved for transfer to a community corrections center (CCC) or to another institution and whose progress has not been summarized within the previous 180 days.

(e) *Triennial report*—prepared on each designated inmate at least once every 36 months if not previously generated for another reason required by this section.

(f) Other—prepared for any reason other than those previously stated in

28 CFR Ch. V (7–1–09 Edition)

this section. The reason (e.g., court request, clemency review) is specified in the report.

[55 FR 49977, Dec. 3, 1990, as amended at 59 FR 6856, Feb. 11, 1994; 60 FR 10722, Feb. 27, 1995; 63 FR 7604, Feb. 13, 1998]

§ 524.42 Content of progress reports.

Staff shall include the following in each progress report:

- (a) Institution (full name) and Date;
- (b) Type of Progress Report;
- (c) Committed name;
- (d) Registration number;
- (e) Age;
- (f) Present security and custody level;
- (g) Offense(s) for which committed;
- (h) Sentence;
- (i) Date sentence began;
- (j) Time served to date, including jail time credit;
- (k) Good conduct time/Extra good time earned;
- (l) Statutory good time withheld or forfeited; Disallowed good conduct time;
- (m) Projected release date;
- (n) Most recent Parole Commission action, including any special conditions or requirements (if applicable);
- (o) Detainers and pending charges on file;
- (p) Institutional adjustment; this ordinarily includes information on the inmate's:
 - (1) Program plans;
 - (2) Work assignments and skills acquired;
 - (3) Educational/vocational participation;
 - (4) Counseling programs;
 - (5) Incident reports;
 - (6) Institutional movement;
 - (7) Physical and mental health, including any significant mental or physical health problems, and any corrective action taken; and
 - (8) Financial responsibility.
- (q) Release planning:
 - (1) Where appropriate, staff shall request that the inmate provide a specific release plan;
 - (2) Staff shall identify available release resources (including CCC) and any particular problem that may be present in release planning.

[59 FR 6857, Feb. 11, 1994]

Bureau of Prisons, Justice

§ 524.72

§ 524.43 Inmate's access to progress reports.

Upon request, an inmate may read and receive a copy of any progress report retained in the inmate's central file which had been prepared on that inmate after October 15, 1974. Staff shall allow the inmate the opportunity to read a newly prepared progress report and shall request the inmate sign and date the report. If the inmate refuses to do so, staff witnessing the refusal shall document this refusal on the report. Staff shall then offer to provide a copy of the progress report to the inmate.

[59 FR 6857, Feb. 11, 1994]

Subpart F—Central Inmate Monitoring (CIM) System

SOURCE: 61 FR 40143, July 31, 1996, unless otherwise noted.

§ 524.70 Purpose and scope.

The Bureau of Prisons monitors and controls the transfer, temporary release (e.g., on writ), and community activities of certain inmates who present special needs for management. Such inmates, known as central inmate monitoring (CIM) cases, require a higher level of review which may include Central Office and/or Regional Office clearance for transfers, temporary releases, or community activities. This monitoring is not to preclude a CIM case from such activities, when the inmate is otherwise eligible, but rather is to provide protection to all concerned and to contribute to the safe and orderly operation of federal institutions.

§ 524.71 Responsibility.

Authority for actions relative to the CIM system is delegated to the Assistant Director, Correctional Programs Division, to Regional Directors, and to Wardens. The Assistant Director, Correctional Programs Division, and Regional Directors shall assign a person responsible for coordinating CIM activities. The Case Management Coordinator (CMC) shall provide oversight and coordination of CIM activities at the institutional level, and the Community Corrections Manager shall as-

sume these responsibilities for contract facilities.

§ 524.72 CIM assignment categories.

CIM cases are classified according to the following assignments:

(a) *Witness Security cases.* Individuals who agree to cooperate with law enforcement, judicial, or correctional authorities, frequently place their lives or safety in jeopardy by being a witness or intended witness against persons or groups involved in illegal activities. Accordingly, procedures have been developed to help ensure the safety of these individuals. There are two types of Witness Security cases: Department of Justice (authorized by the Attorney General under title V of Public Law 91-452, 84 Stat. 933); and Bureau of Prisons Witness Security cases (authorized by the Assistant Director, Correctional Programs Division).

(b) *Threats to government officials.* Inmates who have made threats to government officials or who have been identified, in writing, by the United States Secret Service as requiring special surveillance.

(c) *Broad publicity.* Inmates who have received widespread publicity as a result of their criminal activity or notoriety as public figures.

(d) *Disruptive group.* Inmates who belong to or are closely affiliated with groups (e.g., prison gangs), which have a history of disrupting operations and security in either state or federal penal (which includes correctional and detention facilities) institutions. This assignment also includes those persons who may require separation from a specific disruptive group.

(e) *State prisoners.* Inmates, other than Witness Security cases, who have been accepted into the Bureau of Prisons for service of their state sentences. This assignment includes cooperating state witnesses and regular state boarders.

(f) *Separation.* Inmates who may not be confined in the same institution (unless the institution has the ability to prevent any physical contact between the separatees) with other specified individuals who are presently housed in federal custody or who may come into federal custody in the future. Factors to consider in classifying

an individual to this assignment include, but are not limited to, testimony provided by or about an individual (in open court, to a grand jury, etc.), and whether the inmate has exhibited aggressive or intimidating behavior towards other specific individuals, either in the community or within the institution. This assignment also includes those inmates who have provided authorities with information concerning the unauthorized or illegal activities of others. This assignment may also include inmates from whom there is no identifiable threat, but who are to be separated from others at the request of the Federal Judiciary or U.S. Attorneys.

(g) *Special supervision.* Inmates who require special management attention, but who do not ordinarily warrant assignment in paragraphs (a) through (f) of this section. For example, this assignment may include an inmate with a background in law enforcement or an inmate who has been involved in a hostage situation. Others may include those who are members of a terrorist group with a potential for violence.

§ 524.73 Classification procedures.

(a) *Initial assignment.* Except as provided for in paragraphs (a) (1) through (4) of this section, an inmate (including pretrial inmates) may be classified as a CIM case at any time by a Community Corrections Manager or by appropriate staff at the Central Office, Regional Office, or institution. This initial classification is effective upon documentation in the inmate's record.

(1) *Witness Security cases.* Witness Security cases are designated by the Central Office only. An inmate's participation in the Department of Justice Witness Security Program is voluntary. A commitment interview and an admission and orientation interview are to be conducted with the Witness Security inmate to ensure that the inmate understands the conditions of confinement within the Bureau of Prisons. Central Office classification of an individual as a Witness Security case, under either the Department of Justice or Bureau of Prisons, does not require additional review, and overrides any other CIM assignment.

(2) *State prisoners.* Appropriate staff in the Central Office or Regional Office designate state prisoners accepted into the Bureau of Prisons from state or territorial jurisdictions. All state prisoners while solely in service of the state sentence are automatically included in the CIM system to facilitate designations, transfers, court appearances, and other movements.

(3) *Special supervision.* Placement in this assignment may be made only upon the authorization of a Regional Director or the Assistant Director, Correctional Programs Division.

(4) *Recommitted offenders.* An inmate who is recommitted to federal custody, who at the time of release was classified as a CIM case, retains this classification pending a review of the CIM status in accordance with paragraph (c) of this section.

(b) *Notification.* The case manager shall ensure that the affected inmate is notified in writing as promptly as possible of the classification and the basis for it. Witness Security cases will be notified through a commitment interview. The notice of the basis may be limited in the interest of security or safety. For example, in separation cases under § 524.72, notice will not include the names of those from whom the inmate must be separated. The inmate shall sign for and receive a copy of the notification form. If the inmate refuses to sign the notification form, staff witnessing the refusal shall indicate this fact on the notification form and then sign the form. Notification is not required for pretrial inmates. Any subsequent modification of a CIM assignment or removal from the CIM system requires separate notification to the inmate.

(c) *Initial review.* A classification may be made at any level to achieve the immediate effect of requiring prior clearance for an inmate's transfer, temporary release, or participation in community activities. Except for Central Office or Regional Office classification of an individual as a state prisoner in sole service of the state sentence or for classification of pretrial inmates made by designated staff at the institution, a review by designated staff (ordinarily within 60 days of notification to the inmate) is required to determine whether

a sound basis exists for the classification. Staff making the initial classification shall forward to the reviewing authority complete information regarding the inmate's classification. An inmate not notified of a change in the classification by the reviewing authority within 60 days from the date of the initial notification may consider the CIM classification final. Reviewing authorities for CIM classification are:

(1) *Central Office Inmate Monitoring Section*—reviews classification decisions for all future separation assignments (including recommitments) for Witness Security cases and for any combination of assignments involving Witness Security cases.

(2) *Regional Office*—reviews CIM classification decisions for Disruptive Group, Broad Publicity, Threat to Government Officials, Special Supervision, State Prisoners not in sole service of state sentence and initial multiple assignments except Witness Security Cases.

(3) *Warden, or Designee*—reviews CIM classification decisions for all separation assignments.

(d) *Removal.* (1) Because participation in the Department of Justice Witness Security Program is voluntary, such participants may request removal from this assignment at any time. Such request shall be forwarded to the Central Office Inmate Monitoring Section. Actual removal of the CIM assignment will not occur until after approval from the Department of Justice is received.

(2) The reviewing authority is responsible for determining if removal or modification of any CIM classification other than a Department of Justice Witness Security case is appropriate. The inmate retains the CIM classification pending a decision by the reviewing authority.

(3) When an inmate is removed for any reason from a CIM classification (for example, because the reviewing authority either disapproves the CIM classification or approves removal of a CIM classification based on new information), the appropriate staff member shall ensure that the relevant portions of the inmate central file are either removed or, when part of a larger document, are amended to clearly reflect removal of the CIM assignment. Staff

shall notify the inmate of the decision and document any change in the inmate's record, and supportive documentation and the written basis for removal are to be retained in the inmate privacy file.

§ 524.74 Activities clearance.

(a) Except as provided for in paragraph (b) of this section, the Warden is the clearance authority on all transfers, temporary releases, community activities, and escorted trips.

(b) *Witness Security cases.* Central Office Inmate Monitoring Section staff shall be the clearance authority on all transfers, temporary releases, community activities, and escorted trips for Witness Security cases, except in a medical emergency. In a medical emergency, the Warden may transfer a Witness Security case to a local hospital for emergency medical care without prior clearance.

§ 524.75 Periodic review.

The Warden shall ensure that the status of an inmate's CIM assignment is considered at each program review. When staff believe that removal or modification of a CIM classification is appropriate, the institution's CMC and the appropriate reviewing authority must be notified. Only the reviewing authority shall determine if removal or modification of the CIM classification is appropriate.

§ 524.76 Appeals of CIM classification.

An inmate may at any time appeal (through the Administrative Remedy Program) the inmate's classification as a CIM case. Inmates identified as Witness Security cases may choose to address their concerns directly to the Inmate Monitoring Section, Central Office, rather than use the Administrative Remedy Program.

PART 527—TRANSFERS

Subparts A–C [Reserved]

Subpart D—Transfer of Inmates to State Agents for Production on State Writs

Sec.

527.30 Purpose and scope.

527.31 Procedures.

Subpart E—Transfer of Offenders To or From Foreign Countries

- 527.40 Purpose and scope.
- 527.41 Definitions.
- 527.42 Limitations on transfer of offenders to foreign countries.
- 527.43 Notification of Bureau of Prisons inmates.
- 527.44 Transfer of Bureau of Prisons inmates to other countries.
- 527.45 Transfer of State prisoners to other countries.
- 527.46 Receiving United States citizens from other countries.

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 3565, 3569, 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4100-4115, 4161-4166 (Repealed as to offenses committed on or after November 1, 1987), 4201-4218, 5003, 5006-5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

Subparts A-C [Reserved]

Subpart D—Transfer of Inmates to State Agents for Production on State Writs

SOURCE: 46 FR 34549, July 1, 1981, unless otherwise noted.

§ 527.30 Purpose and scope.

The Bureau of Prisons will consider a request made on behalf of a state or local court that an inmate be transferred to the physical custody of state or local agents pursuant to state writ of habeas corpus *ad prosequendum* or *ad testificandum*. The Warden at the institution in which the inmate is confined is authorized to approve this transfer in accordance with the provisions of this rule.

§ 527.31 Procedures.

(a) These procedures apply to state and federal inmates serving sentences in federal institutions, and shall be followed prior to an inmate's transfer to state or local agents other than through the Interstate Agreement on Detainers.

(b) The Warden shall authorize transfer only when satisfied that the inmate's appearance is necessary, that state and local arrangements are satisfactory, that the safety or other inter-

ests of the inmate (such as an imminent parole hearing) are not seriously jeopardized, and that federal interests, which include those of the public, will not be interfered with, or harmed. Authorization may not be given where substantial concern exists over any of these considerations.

(c) The request for transfer of custody to state agents shall be made by the prosecutor or other authority who acts on behalf of the court and shall be directed to the Warden of the institution in which the inmate is confined. The request shall be made by letter. The request shall indicate the need for appearance of the inmate, name of the court, nature of the action, date of the requested appearance, name and phone number of the state agency or other organization with responsibility for transporting the inmate, the name and location where the inmate will be confined during legal proceedings, and anticipated date of return. For civil cases, the request shall also indicate the reason that production on writ is necessary and some other alternative is not available. The applying authority shall provide either at the time of application or with the agent assuming custody, a statement signed by an authorized official that state or local officials with custody will provide for the safekeeping, custody, and care of the inmate, will assume full responsibility for that custody, and will return the inmate to Bureau of Prisons' custody promptly on conclusion of the inmate's appearance in the state or local proceedings for which the writ is issued.

(d) A certified copy of the writ (one with the Seal of the Court) must be received at the institution prior to release of the inmate. Institution staff shall verify the authenticity of the writ.

(e) Institution staff shall maintain contact with the state or local law enforcement agency with responsibility for transfer of the inmate to determine the exact date and time for transfer of custody. If the inmate is awaiting federal trial or has federal civil proceedings pending, staff must clear the transfer through the U.S. Attorney.

(f) Institution staff shall determine from the state or local agency the names of the agents assuming custody.

Bureau of Prisons, Justice

§ 527.43

Staff must carefully examine the credentials of the agents assuming custody. In any doubtful case, verification should be sought.

(g) Transfers in civil cases pursuant to a writ of habeas corpus ad testificandum must be cleared through both the Regional Counsel and the Warden. Transfer ordinarily shall be recommended only if the case is substantial, where testimony cannot be obtained through alternative means such as depositions or interrogatories, and where security arrangements permit. Postponement of the production until after the inmate's release from federal custody will always be considered, particularly if release is within twelve months.

(h) Release of inmates classified as Central Inmate Monitoring Cases requires review with and/or coordination by appropriate authorities in accordance with the provisions of 28 CFR part 524, subpart F.

[46 FR 34549, July 1, 1981, as amended at 50 FR 40105, Oct. 1, 1985; 62 FR 13826, Mar. 24, 1997]

Subpart E—Transfer of Offenders To or From Foreign Countries

SOURCE: 46 FR 59507, Dec. 4, 1981, unless otherwise noted.

§ 527.40 Purpose and scope.

Public Law 95-144 (18 U.S.C. 4100 et seq.) authorizes the transfer of offenders to or from foreign countries, pursuant to the conditions of a current treaty which provides for such transfer. 18 U.S.C. 4102 authorizes the Attorney General to act on behalf of the United States in regard to such treaties. In accordance with the provisions of 28 CFR 0.96b the Attorney General has delegated to the Director of the Bureau of Prisons, and to designees of the Director, the authority to receive custody of, and to transfer to and from the United States, offenders in compliance with the conditions of the treaty.

§ 527.41 Definitions.

For the purpose of this rule the following definitions apply.

(a) *Treaty nation*. A country which has entered into a treaty with the

United States on the Execution of Penal Sentences.

(b) *State prisoner*. An inmate serving a sentence imposed in a court in one of the states of the United States, or in a territory or commonwealth of the United States.

(c) *Departure institution*. The Bureau of Prisons institution to which an eligible inmate is finally transferred for return to his or her country of citizenship.

(d) *Admission institution*. The Bureau of Prisons institution where a United States citizen-inmate is first received from a treaty nation.

[46 FR 59507, Dec. 4, 1981, as amended at 58 FR 47976, Sept. 13, 1993]

§ 527.42 Limitations on transfer of offenders to foreign countries.

(a) An inmate while in custody for civil contempt may not be considered for return to the inmate's country of citizenship for service of the sentence or commitment imposed in a United States court.

(b) An inmate with a committed fine may not be considered for return to the inmate's country of citizenship for service of a sentence imposed in a United States court without the permission of the court imposing the fine. When considered appropriate, the Warden may contact the sentencing court to request the court's permission to process the inmate's application for return to the inmate's country of citizenship.

[48 FR 2502, Jan. 19, 1983. Redesignated at 58 FR 47976, Sept. 13, 1993]

§ 527.43 Notification of Bureau of Prisons inmates.

(a) The Warden shall ensure that the institution's admission and orientation program includes information on international offender transfers.

(b) The case manager of an inmate who is a citizen of a treaty nation shall inform the inmate of the treaty and provide the inmate with an opportunity to inquire about transfer to the country of citizenship. The inmate is to be given an opportunity to indicate on an appropriate form whether he or

§ 527.44

28 CFR Ch. V (7–1–09 Edition)

she is interested in transfer to the country of citizenship.

[46 FR 59507, Dec. 4, 1981. Redesignated at 58 FR 47976, Sept. 13, 1993]

§ 527.44 Transfer of Bureau of Prisons inmates to other countries.

(a) An inmate who is qualified for and desires to return to his or her country of citizenship for service of a sentence imposed in a United States Court shall indicate his or her interest by completing and signing the appropriate form and forwarding it to the Warden at the institution where the inmate is confined.

(b) Upon verifying that the inmate is qualified for transfer, the Warden shall forward all relevant information, including a complete classification package, to the Assistant Director, Correctional Programs Division.

(c) The Assistant Director, Correctional Programs Division, shall review the submitted material and forward it to the Office of Enforcement Operations (OEO), Criminal Division, International Prisoner Transfer Unit, Department of Justice, for review.

(d) The Assistant Director, Correctional Programs Division, shall ensure that the inmate is advised of the decision of OEO.

(1) When the Department of Justice determines that transfer is not appropriate, the Assistant Director, Correctional Programs Division, shall ensure that the inmate is advised of this determination and informed that the inmate may request the reason(s) for such action from OEO.

(2) When the Department of Justice determines that transfer is appropriate, the Assistant Director, Correctional Programs Division, shall ensure that the inmate is advised of the determination and of the probability that the inmate will be given an interview with his or her nation's consular officials.

(e) Upon notification from OEO of the treaty nation's decision in regard to the inmate's transfer, the Assistant Director, Correctional Programs Division, shall arrange for the inmate to be informed of that decision.

(f) At an appropriate time subsequent to notification by the Department of Justice of an inmate's approval for

transfer, the Assistant Director shall arrange for the inmate to be transferred to an appropriate departure institution.

(g) Prior to the inmate's transfer from the departure institution, the inmate shall receive a verification hearing before a U.S. Magistrate Judge or U.S. District Court Judge to document the inmate's voluntary consent for transfer. Counsel is provided the inmate for purpose of this hearing. When requested, the Warden shall allow counsel to interview the inmate prior to the hearing.

(h) Following the verification hearing, the Assistant Director, Correctional Programs Division shall arrange a schedule for delivery of the inmate to the authorities of the country of citizenship.

(1) The Assistant Director shall advise the Warden of those arrangements.

(2) The Warden shall arrange for the inmate to be transported to the foreign authorities. The Warden shall assure that required documentation (for example, proof of citizenship and appropriate travel documents) accompanies each inmate transported.

[46 FR 59507, Dec. 4, 1981. Redesignated and amended at 58 FR 47976, Sept. 13, 1993]

§ 527.45 Transfer of State prisoners to other countries.

The Bureau of Prisons may assume custody of a state prisoner who has been approved for transfer to a treaty nation for the purpose of facilitating the transfer to the treaty nation. Once approved, the state is not required to contract for the placement of the prisoner in federal custody, nor to reimburse the United States for the cost of confinement (as would ordinarily be required by 18 U.S.C. 5003).

[46 FR 59507, Dec. 4, 1981. Redesignated at 58 FR 47976, Sept. 13, 1993]

§ 527.46 Receiving United States citizens from other countries.

(a) Staff accepting custody of American inmates from a foreign authority shall ensure that the following documentation is available prior to accepting custody of the inmate:

Bureau of Prisons, Justice

§ 527.46

(1) A certified copy of the sentence handed down by an appropriate, competent judicial authority of the transferring country and any modifications thereof;

(2) A statement (and a copy translated into English from the language of the country of origin if other than English), duly authenticated, detailing the offense for which the offender was convicted, the duration of the sentence, and the length of time already served by the inmate. Included should be statements of credits to which the offender is entitled, such as work done, good behavior, pre-trial confinement, etc.; and

(3) Citizenship papers necessary for the inmate to enter the United States.

(b) The Assistant Director, Correctional Programs Division, shall direct, in writing, specific staff, preferably staff who speak the language of the treaty nation, to escort the offender from the transporting country to the admission institution. The directive shall cite 28 CFR 0.96b as the authority to escort the offender. When the admis-

sion institution is not able to accept the inmate (for example, a female inmate escorted to a male institution), the Warden shall make appropriate housing requirements with a nearby jail.

(c) As soon as practicable after the inmate's arrival at the admission institution, staff shall initiate the following actions:

(1) Arrange for the inmate to receive a complete physical examination;

(2) Advise the local U.S. Probation Office of the inmate's arrival; and

(3) Notify the U.S. Parole Commission of the inmate's arrival and projected release date.

(d) If upon computation of sentence staff determine that an inmate is entitled to immediate release via mandatory release or expiration of sentence with credits applied, release procedures shall be implemented but only after receiving a medical clearance and the results of an FBI fingerprint check.

[46 FR 59507, Dec. 4, 1981. Redesignated and amended at 58 FR 47976, 47977, Sept. 13, 1993; 62 FR 27872, May 21, 1997]